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HOLME ROBERTS & OWEN, LLP  
Thomas J. Rossa, #2806  
Jeffery M. Lillywhite, #8920  
299 South Main Street, Suite 1800  
Salt Lake City, UT 84111-2263  
Telephone: (801) 521-5800  
Facsimile: (801) 521-9639

U.S. DISTRICT COURT  
DISTRICT OF UTAH

Attorneys for Defendant HSN Improvements, LLC

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IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH  
CENTRAL DIVISION

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AMERITRADE INTERNATIONAL,  
INC., a Utah Corporation and CRAIG D.  
JONES, a Utah resident,

Plaintiffs,

v.

HSN IMPROVEMENTS, LLC, a  
Delaware limited liability company,

Defendant.

**MOTION TO STRIKE THE EXPERT  
REPORT OF DR. GLENN L.  
CHRISTENSEN AND THE  
DECLARATIONS OF DENISE HALL,  
BRIAN COLE, AND PAT HARTMAN**

Judge Ted Stewart  
Case No. 2:03CV00459 TS

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Defendant HSN Improvements, LLC ("IMPROVEMENTS") hereby moves the Court to strike the Expert Report of Dr. Glenn L. Christensen and the Declarations of Denise Hall, Brian Cole, and Pat Hartman submitted by Plaintiffs Ameritrade International, Inc. and Craig D. Jones (collectively, "AMERITRADE"). As set forth in the memorandum filed herewith, Christensen's report should be stricken because: (1) AMERITRADE'S designation of Christensen was untimely; (2) AMERITRADE improperly gave Christensen confidential information in violation of the Court's protective order; and (3) Christensen's report boldly is an effort to present hearsay

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in the form of a report. Further, the declarations of Denise Hall, Brian Cole, and Pat Hartman all contain inadmissible evidence and should be likewise stricken.

Accordingly, an order should be entered striking the Expert Report of Dr. Glenn L. Christensen and the Declarations of Denise Hall, Brian Cole, and Pat Hartman.

A proposed order is attached for the convenience of the Court.

DATED this 28<sup>th</sup> day of March, 2005

HOLME ROBERTS & OWEN LLP

By: 

Thomas J. Ressa, Esq.

Jeffery Lillywhite, Esq.

HOLME ROBERTS & OWEN LLP

Attorneys for Defendant

HSN Improvements, LLC